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REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed March 1, 2006. Through this response, claims 1 and 32 have been amended and claims 29-31 have been canceled without prejudice, waiver, or disclaimer. Reconsideration and allowance of the application and pending claims are respectfully requested.

Continued Examination Under 37 C.F.R. 1.114

Applicant thanks the Examiner for withdrawing the finality of the previous Office Action and for withdrawing previous rejections based on Applicants' submission filed on December 20, 2005.

Cancellation of Claims 29-31

Claims 29-31 are canceled without prejudice, waiver, or disclaimer. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of the canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the canceled subject matter to the public.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 1, 2, 4, 6-11, 15-17, 19-23, 25 and 32 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent 6,252,254 to *Soules et al.* and further in view of U.S. Patent 6,586,882 to *Harbers*.

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Claims 1, 2, 14, and 25-27 are rejected under 35 U.S.C. 103(a) as allegedly being anticipated by U.S. Patent 6,294, 800 to *Duggal et al.* and further in view of *Harbers*.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Soules et al.* and *Harbers* and further in view of U.S. Patent 6,576,488 to *Collins et al.*

Claim 18 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Soules et al.* and *Harbers* and further in view of U.S. Patent 6,654,079 to *Bechtel et al.*

Claim 24 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Soules et al.*, *Harbers*, and further in view of WO Patent 03/005458 to *Brunner et al.* (U.S. Patent Application Publication 2004/0188697).

Claim 28 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Soules et al.* and *Harbers*, and further in view of U.S. Patent 6,490,309 to *Okazaki et al.*

Claim 29 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Soules et al.* and further in view of U.S. Patent Application Publication 2004/0056256 to *Bokor et al.*

Claim 30 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Soules et al.* and further in view of *Bokor et al.* and further in view of *Collins et al.*

Claim 31 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Soules et al.* and further in view of *Bokor et al.* and further in view of *Brunner et al.*

Applicants respectfully traverse the above rejections.

A. Admonition Against Piecemeal Examination

First, the undersigned wishes to remind the Examiner of the USPTO's admonition against piecemeal examination. A final Office Action substantively examined and rejected all claims 1-31. Applicant filed an appropriate response to this rejection, which would ultimately overcome

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the outstanding rejections. However, despite Applicants' request, the Examiner refused to enter the amendments. Therefore, Applicants were forced to file a Request for Continued Examination (RCE), and pay the attendant fee, in order to have the Examiner enter Applicants' amendments and arguments. The Examiner found the amendments and arguments persuasive. However, rather than issue a Notice of Allowance, the Examiner conducted a new search, and have rejected the claims based on new art. It should be noted, however, the only substantive amendment to, for example, independent claim 1 was cancellation of a single species. Nothing was added to claim 1 that would ostensibly create the need for a new search. Therefore, the rejections that are now being made against claim 1 could have been made in the very first Office Action, provided that thorough search was conducted in the first instance, as the Examiner had already searched and examined all elements present in the instant claims.

This is particularly disturbing, as the undersigned could have responded to the instant substantive rejections had they been issued in the first Office Action, or even the final Office Action, thus obviating the need for filing the instant response. This has resulted in additional expense to Applicants and delay in prosecution of Applicants' application.

The Patent Office has established rules against such piecemeal examination practices (see e.g. MPEP 707.07(g)). Such practices impose undue delay and expenses on the Applicants, which has now unfortunately occurred in this application. Notwithstanding, Applicants have endeavored herein to respond in such a way as to cooperatively advance the prosecution of this application. Applicants believe that the amendments and arguments presented herein overcome the outstanding rejections and place the application in condition for allowance. If the Examiner believes it to be necessary to conduct yet another search of the USPTO records, Applicants respectfully request that any ensuing Office Action not be made final.

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B. Further response to Rejections Under 35 U.S.C. 103(a)

Applicants traverse rejection on the basis that the exact ionic form of the $\text{CaS:Eu}^{2+}, \text{Mn}^{2+}$ is not taught or suggested by *Harbers*. Instead, *Harbers* discloses only that CaS doped or activated with a combination of Eu, Mn can be used as a suitable material for converting blue light to red light. When discussing phosphors that emit green light, *Harbers* referred to the activators in their ionic form, but neglected to do so when reciting phosphors that emit red light. Therefore, *Harbers* does not teach or suggest the exact feature of a phosphor particle of a material selected from $\text{CaS:Eu}^{2+}, \text{Mn}^{2+}$.

Nevertheless, to advance prosecution and facilitate allowance of the claims, claims 1 and 32 have been amended to recite only first type of phosphor particles that are not disclosed or suggested by *Harbers*. Thus, all of the features of claims 1 and 32 are not taught or suggested by the cited references. Because claims 2, 4, and 6-28 depend directly or indirectly from claim 1, these claims are also allowable for at least the same reasons. Applicants therefore respectfully request that the rejection of claims 1, 2, 4, 6-28, and 32 be withdrawn.

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CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-2, 4, 6-28, and 32 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephone conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,


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